

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

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October 1, 2004

ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338
Access to Confidential Materials – Supplemental Request

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,¹ the Loop and Transport CLEC Coalition (comprised of Advanced Telecom, Inc., Birch Telecom, Inc., Broadview Networks, Inc., Eschelon Telecom, Inc., Grande Communications, Inc., KMC Telecom, Inc., SNiP LiNK, LLC, Talk America Inc., Xspedius Management Co. LLC, and XO Communications Inc.) hereby submits the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by the following (the "Signatories"):

- Brad E. Mutschelknaus, Partner, Kelley, Drye & Warren LLP;
- Steven A. Augustino, Partner, Kelley Drye & Warren LLP;
- Jonathan E. Canis, Partner, Kelley Drye & Warren LLP;
- Stephanie A. Joyce, Associate, Kelley Drye & Warren LLP;
- Andrea D. Edmonds, Associate, Kelley Drye & Warren LLP;
- Erin Swansiger, Associate, Kelley Drye & Warren LLP;

¹ *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) ("Protective Order")

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary

October 1, 2004

Page Two

- Garret R. Hargrave, Associate, Kelley Drye & Warren LLP;
- Mike Duke, Director of Government Affairs, KMC Telecom;
- Steve Bogdan, Regulatory Manager, Broadview Networks, Inc.; and
- Rebecca H. Sommi, VP Operations and Support, Broadview Networks, Inc.

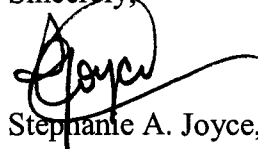
The Loop and Transport CLEC Coalition seeks access to confidential versions of documents filed in the above-referenced proceedings by MCI, AT&T, and United States Telecom Association ("USTA") (the "Parties"). All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

As stated in the attached certificate of service, counsel for each party has been served, via Facsimile and Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, The Loop and Transport CLEC Coalition requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the ILEC Parties. Any delay in the ability to review such confidential material would prejudice The Loop and Transport CLEC Coalition's ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,



Stephanie A. Joyce, Esq.

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 & WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

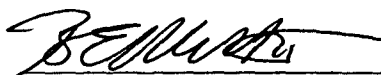
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I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 30 day of September, 2004



Brad E. Mutchelknaus
Partner
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Jonathan E. Canis
Partner

Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
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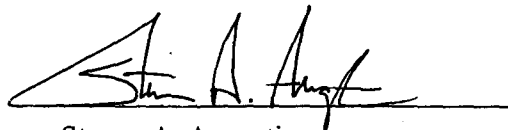
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Steven A. Augustino
Partner
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Stephanie A. Joyce
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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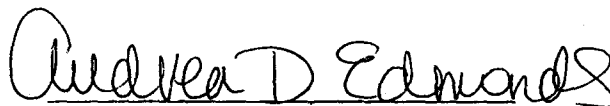
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Executed at Washington, D.C. this 30 day of September, 2004



Andrea D. Edmonds
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

Federal Communications CommissionDA 04-3152**APPENDIX B****Acknowledgment of Confidentiality****CC Docket No. 01-338 & WC Docket No. 04-313**

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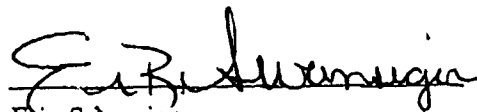
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Executed at Washington, D.C. this 30 day of September, 2004



Erin Swansiger

Associate

Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

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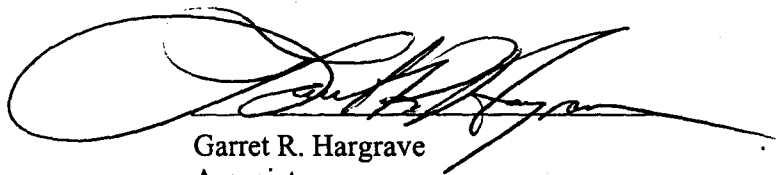
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Garret R. Hargrave
Associate
Kelley, Drye & Warren, LLP
1200 19th Street, N.W., Ste. 500
Washington, D.C. 20036
202-955-9600

Federal Communications Commission**DA 04-3152****APPENDIX B****Acknowledgment of Confidentiality****CC Docket No. 01-338 & WC Docket No. 04-313**

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Executed at Lawrenceville, GA this 30th day of September, 2004


[Name] Mike Duke
[Position] DIRECTOR OF Gov't Affairs
[Address] KMC Telecom
[Telephone] 1755 North Brown Road
Lawrenceville, GA 30043
678.985.6266

Federal Communications Commission

DA 04-3152

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Executed at _____ this 30 day of September, 2004


[Name] Steve Bogdan
[Position] Regulatory Manager
[Address] 400 Horsham Rd.
[Telephone] Horsham, PA 19044
(215) 293-8773

Federal Communications Commission

DA 04-3152

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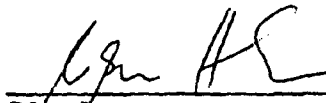
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Executed at _____ this 30 day of SEPTEMBER, 2004.


[Name] _____
[Position] VP OPERATIONS SUPPORT
[Address] 400 HOLSTAN ROAD
HOLSTAN, PA 19044
[Telephone] 215-293-8715

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 1st day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by Hand Delivery* and Electronic Mail** to the following:

USTA

Michael K. Kellogg*
Mark L. Evans
Sean A. Lev
Kellogg, Huber, Hanson, Todd & Evans, PLLC
1615 M Street, NW, Suite 400
Washington, D.C. 20036
Fax: 202-326-7999

Michael T. McMenamin*
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AT&T

David L. Lawson*
C. Fredrick Beckner III
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Joan Marsh*
AT&T
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MCI

Ruth Milkman*
A. Renee Callahan
Lawler, Metzger and Milkman, LLC
2001 K Street, N.W.
Suite 802
Washington, D.C. 20006

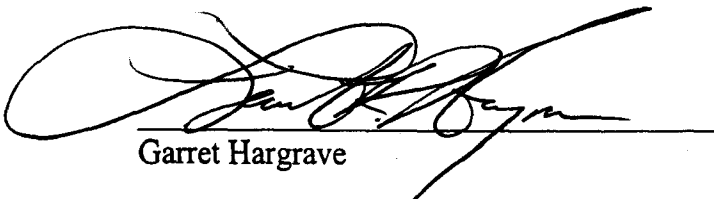
FCC

Russell Hanser **
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Jeremy Miller **
Assistant Division Chief
Competition Policy Division
Federal Communications Commission
445 12th Street, S.W.
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Gary Remondino **
Wireline Competition Bureau
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Janice Myles **
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Garret Hargrave